



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 6 1998

Mr. Jerome Aldrich
Criminal District Attorney
County of Brazoria
111 East Locust, Rm. 408A
Angleton, Texas 77515

OR98-2373

Dear Mr. Aldrich:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118577.

The County of Brazoria (the "county") received a request for "all paperwork created as a result of the investigation into allegations concerning a former Clute police officer." You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You explain that the case was "No Billed" by the Brazoria County Grand Jury. We conclude that you have shown the applicability of section 552.108(a)(2) to the requested information. Thus, the documents may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over the typed name.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/nc

Ref.: ID# 118577

Enclosures: Submitted documents

cc: Ms. Peggy O'Hare
720 S. Main Street
Clute, Texas 77531
(w/o enclosures)